

the applicable standard for any pollutant.

(e) *Emission testing.* Each test vehicle of a test group or Agency-designated subset shall be tested in accordance with the Federal Test Procedure and/or the Supplemental Federal Test Procedure (whichever of these tests performed under § 86.1845-01 produces emission levels requiring testing under this section) as described in subpart B of this part, when such test vehicle is tested for compliance with applicable exhaust emission standards under this subpart.

(f) *Geographical limitations.* (1) Test groups or Agency-designated subsets certified to 50-state standards: For low altitude testing no more than 50 percent of the test vehicles may be procured from California. The test vehicles procured from the 49 state area must be procured from a location with a heating degree day 30 year annual average equal to or greater than 4000.

(2) Test groups or Agency-designated subsets certified to 49 state standards: For low-altitude testing all vehicles shall be procured from a location with a heating degree day 30 year annual average equal to or greater than 4000.

(3) Vehicles procured for high altitude testing may be procured from any area provided that the vehicle's primary area of operation was above 4000 feet.

(g) *Testing.* Testing required under this section must commence within three months of completion of the testing under § 86.1845-01 or § 86.1845-04 which triggered the confirmatory testing and must be completed within seven months of the completion of the testing which triggered the confirmatory testing. Any industry review of the results obtained under § 86.1845-01 or § 86.1845-04 and any additional vehicle procurement and/or testing which takes place under the provisions of § 86.1845-01 or § 86.1845-04 which the industry believes may affect the triggering of required confirmatory testing must take place within the three month period. The data and the manufacturers reasoning for reconsideration of the data must be provided to the Agency within the three month period.

(h) *Limit on manufacturer conducted testing.* For each manufacturer, the

maximum number of test group(s) (or Agency-designated subset(s)) of each model year for which testing under this section shall be required is limited to 50 percent of the total number of test groups of each model year required to be tested by each manufacturer as prescribed in § 86.1845-01 or § 86.1845-04 rounded to the next highest whole number where appropriate. For each manufacturer with only one test group under § 86.1845-01 or § 86.1845-04, as applicable, such manufacturer shall have a maximum potential testing requirement under this section of one test group (or Agency-designated subset) per model year.

(i) Prior to beginning in-use confirmatory testing the manufacturer must, after consultation with the Agency, submit a written plan describing the details of the vehicle procurement, maintenance, and testing procedures (not otherwise specified by regulation) it intends to use.

(j) *Testing a subset.* EPA may designate a subset of the test group based on transmission type for testing under this section in lieu of testing the entire test group when the results for the entire test group from testing conducted under § 86.1845-01 or § 86.1845-04 show mean emissions and a failure rate which meet these criteria for additional testing.

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§ 86.1847-01 Manufacturer in-use verification and in-use confirmatory testing; submittal of information and maintenance of records.

(a) The manufacturer who conducts or causes to be conducted testing of any motor vehicle under § 86.1845-01 shall establish, maintain and retain the following records organized and indexed by test group and evaporative/refueling family:

(1) A record documenting correlation as prescribed by § 86.1845-01(e)(3).

(2) A description of all laboratory equipment calibrations and verifications as prescribed by subpart B of this part or otherwise as appropriate using good engineering judgment.

(3) *Procurement documentation.* A description of the procurement area, a

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record of the source(s) of any list(s) of vehicles used as a basis for procurement, and a complete record of the number of vehicles rejected after positive vehicle owner response and reason(s) for manufacturer rejection of each rejected vehicle. A complete record of the number of vehicle owners/lessees in which attempt to contact was made and the number of vehicle owners/lessees actually contacted, the number of owners/lessees not contacted and the reasons and number of each for failure to contact, and the number of owners contacted who declined to participate.

(4) All records required to be maintained under this paragraph shall be retained by the manufacturer for a period of eight (8) years after the end of production of the test group to which they relate.

(b) The manufacturer who conducts or causes to be conducted testing of any motor vehicle under § 86.1845-01 shall submit to the Administrator on a quarterly calendar year basis, with the information provided to the Administrator within 30 days of the end of the quarter of each calendar year, the following records organized by test group and evaporative/refueling family.

(1) A complete record of all emission tests performed, including tests results, the date of each test, and the phase mass values for fuel economy, carbon dioxide and each pollutant measured by the Federal Test Procedure and Supplemental Federal Test Procedure as prescribed by subpart B of this part.

(2) For each test vehicle within a test group, a record and description of procedures and test results pertaining to any inspection (including the information listed in Appendix III to this subpart), diagnostics, and maintenance performed on the test vehicle prior to testing in as-received condition.

(3) A record and description of any inspection, diagnostics, and maintenance performed and/or testing (including emission results) of any vehicle tested subsequent to its initial as-received test.

(c) The manufacturer who conducts or causes to be conducted testing of any motor vehicle under § 86.1845-01 shall submit to the Administrator a

record of the name and location of the testing laboratory(s) to be used to conduct testing for each model year 30 working days prior to the initiation of testing of that model year.

(d) The manufacturer of any test vehicle subject to § 86.1845-01 shall report to the Agency the test results (identifying the vehicle test group and emission test results) of any test vehicle in which the test vehicle fails to meet any applicable emission standard. The manufacturer must make this report within 72 hours of the completion of the testing of the test vehicle.

(e) The manufacturer who conducts or causes to be conducted testing of any motor vehicle under § 86.1846-01 shall establish, maintain and retain the following organized and indexed records by test group or Agency-designated subset.

(1) A description of all laboratory equipment calibrations and verifications as prescribed by subpart B of this part or by good engineering judgment.

(2) Procurement documentation. A description of the procurement area, a record of the source(s) of any list(s) of vehicles used as a basis for procurement, a complete record of: the number of vehicle owners/lessees in which attempt to contact was made and the number of vehicle owners/lessees actually contacted; the number of owners/lessees not contacted and the reasons and number of each for failure to contact; the number of owners contacted who declined to participate; and a complete record of the number of vehicles rejected after positive vehicle owner response and reason(s) for manufacturer rejection of each rejected vehicle.

(3) All records required to be maintained under this paragraph shall be retained by the manufacturer for a period of eight (8) years after the end of production of the test group to which they relate.

(f) Within 30 working days of the completion of testing of a test group or Agency-designated subset performed under § 86.1846-01, the manufacturer shall submit to the Administrator the following records organized by test group or Agency-designated subset.

(1) A complete record of all emission tests performed, including tests results, the date of each test, and the phase mass values for fuel economy, carbon dioxide and each pollutant measured by the Federal Test Procedure and Supplemental Federal Test Procedure as prescribed by subpart B of this part.

(2) For each test vehicle within a test group, a record and description of procedures and test results pertaining to any inspections, diagnostics, and maintenance performed on the test vehicle prior to any emission testing.

(3) A record and description of any inspections, diagnostics, maintenance performed and/or testing (including emission results) of any test vehicle tested subsequent to its initial emission test.

§ 86.1848-01 Certification.

(a)(1) If, after a review of the manufacturer's submitted Part I application, information obtained from any inspection, such other information as the Administrator may require, and any other pertinent data or information, the Administrator determines that the application is complete and that all vehicles within a test group as described in the application meet the requirements of this Part and the Clean Air Act, the Administrator shall issue a certificate of conformity.

(2) If, after review of the manufacturer's application, request for certification, information obtained from any inspection, such other information as the Administrator may require, and any other pertinent data or information, the Administrator determines that the application is not complete or the vehicles within a test group as described in the application, do not meet applicable requirements or standards of the Act or of this part, the Administrator may deny the issuance of, suspend, or revoke a previously issued certificate of conformity. The Administrator will notify the manufacturer in writing, setting forth the basis for the determination. The manufacturer may request a hearing on the Administrator's determination.

(b) A certificate of conformity will be issued by the Administrator for a period not to exceed one model year and

upon such terms as deemed necessary or appropriate to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and of this part.

(c) All certificates are conditional upon the following conditions being met:

(1) The manufacturer must supply all required information according to the provisions of §§ 86.1843-01 and 86.1844-01.

(2) The manufacturer must comply with all certification and in-use emission standards contained in subparts S and H of this part both during and after model year production.

(3) The manufacturer must comply with all implementation schedules sales percentages as required in § 86.1810 or elsewhere in this part. Failure to meet a required implementation schedule sales percentage will be considered to be a failure to satisfy a condition upon which the certificate was issued and any vehicles or trucks sold in violation of the implementation schedule shall not be covered by the certificate.

(4) For incomplete light-duty trucks and incomplete heavy-duty vehicles, a certificate covers only those new motor vehicles which, when completed by having the primary load-carrying device or container attached, conform to the maximum curb weight and frontal area limitations described in the application for certification as required in § 86.1844-01.

(5) The manufacturer must meet the in-use testing and reporting requirements contained in §§ 86.1845-01, 86.1846-01, and 86.1847-01, as applicable. Failure to meet the in-use testing or reporting requirements shall be considered a failure to satisfy a condition upon which the certificate was issued. A vehicle or truck will be considered to be covered by the certificate only if the manufacturer fulfills this condition upon which the certificate was issued.

(6) Vehicles are covered by a certificate of conformity only if they are in all material respects as described in the manufacturer's application for certification (Part I and Part II).

(7) For Tier 2 and interim non-Tier 2 vehicles, all certificates of conformity issued are conditional upon compliance with all provisions of §§ 86.1811-04,